

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

THOMAS D. HALE, a/k/a RHEA HALE,	)	
a/k/a THOMAS DANIEL EUGENE	)	Case No. 1:16-cv-474
HALE, a/k/a /S/DANA THE SOLOLIST,	)	
a/k/a HALE LAW FIRM,	)	Judge Travis R. McDonough
	)	
<i>Plaintiff,</i>	)	Magistrate Judge Susan K. Lee
	)	
v.	)	
	)	
STATE OF TENNESSEE, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

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**MEMORANDUM OPINION**

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This pro se civil rights complaint under 42 U.S.C. § 1983 was filed by a state inmate, whose litigation history in federal courts led the Court to determine that he fell within the scope of the three-strikes provision in 28 U.S.C. §1915(g). (Doc. 1.) That provision prohibits a prisoner from filing a new civil action *in forma pauperis* if the prisoner, while incarcerated, has brought three or more civil actions or appeals in federal court that were dismissed because they were frivolous, malicious, or failed to state a claim, unless the prisoner is in “imminent danger of serious physical injury.” *Id.*; §1915(g).

On March 14, 2017, the Court entered an order, finding that Plaintiff did not allege credibly that he was in imminent danger; denying Plaintiff leave to file this case *in forma pauperis*; allowing him thirty days from that date to pay the full \$400 filing fee; and forewarning him that, unless within that period, he paid the filing fee in its entirety, he would be assessed the full filing fee and his case would be dismissed. (Doc. 10.)

More than thirty days have passed since entry of that order, and Plaintiff has failed to pay the filing fee, though he, oddly enough, has submitted Motion to Reopen. (Doc. 11.) Because Plaintiff failed to heed the Court's warnings and failed to pay the filing fee, his civil rights lawsuit will be **DISMISSED** without prejudice pursuant to § 1915(g). Finally, Plaintiff's Motion to Reopen (Doc. 11) will be **DENIED AS MOOT**.

**AN APPROPRIATE ORDER WILL ENTER.**

*/s/ Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**